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specifically claimed a visible decorative layer of a layer of any specific type of material having a pattern, embossing, or 'decoration' which would serve to patently distinguish from any other prior art layer positioned in the claimed manner." Page 3, lines 5-8. Applicant disagrees.

Applicant has claimed a *decorative* layer. Buffer layer 3 is not a decorative layer. While the examiner's interpretation of the prior art can be broad, the interpretation must also be *reasonable*. One of ordinary skill in the art would never consider buffer layer 3 as corresponding to the claimed decorative layer. This is especially true as Burmester has a seat cover 2 that is placed over the buffer layer 3.

Further, it is not reasonable to interpret the spring body 1 of Burmester as corresponding to the claimed barrier layer. As clearly set forth in Burmester, the spring body 1 serves as an elastic body in the seat cushion. This spring body 1 cannot serve as a barrier layer because this spring body 1 cannot prevent penetration of the liquid plastic through the spring body 1. Applicant respectfully requests that the examiner indicate where in Burmester it is taught that the spring body 1 is capable of preventing penetration of liquid plastic through the spring body 1.

Finally, claim 1 recites the feature of a foam backing that directly adjoins the barrier layer and that is formed via a back foaming process, wherein the foam backing is formed by applying a liquid plastic to the barrier layer. Burmester does not disclose attachment of a foam backing through a back foaming process as claimed. Burmester discloses taking a pre-formed foam body with subsequent attachment of this body to other seat components.

For the many reasons set forth above, Burmester does not anticipate claim 1, and applicant respectfully requests that the rejection of claims 1-3, 6, 13, and 16-18 based on Burmester be withdrawn.

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Claims 1, 2, 6, 13, 17, 19, and 20-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Volland et al. (US 4618532). The examiner argues that Volland discloses an outermost layer 2 is the claimed decorative layer and that the bonded fabric corresponds to the claimed barrier layer. Applicant asserts that the examiner's interpretation of Volland is not reasonable.

The "barrier layer" in Volland is a foam-impermeable film or paper (see col. 3, line 49 through col. 4, lines 5; and col. 4, lines 62-63), and is not a fleece as defined in claim 1. Thus, Volland cannot anticipate claim 1, and applicant respectfully requests that the rejection of claims 1, 2, 6, 13, 17, 19, and 20-21 based on Volland be withdrawn.

Claim 10 stands rejected under 35 102(b) as being anticipated by, or in the alternative, stands rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester and/or Volland. For the reasons set forth above neither Burmester nor Volland disclose, suggest, or teach the claimed invention. Further, claim 10 recites that the air-permeable fleece used as the barrier layer has an air permeability of about 55 to 120 l per 100 cm<sup>2</sup>. As neither Burmester nor Volland disclose air-permeable fleece as claimed, these references certainly do not disclose an air-permeable fleece as defined in claim 10.

Claims 11, 12, 14, and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester and/or Volland in view of O'Brien et al. (WO 01/26932). For the reasons set forth above neither Burmester nor Volland disclose, suggest, or teach the claimed invention. O'Brien does not make up for the deficiencies of Burmester or Volland. Further, the examiner is arguing that it is obvious to modify the seat cushions of Burmester and/or Volland with teachings from O'Brien, which are directed to vehicle trim panels. The examiner argues that the mat

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taught by O'Brien is provided as a structural reinforcement for the foam layer and that it would be obvious to modify the base reference to provide a reinforced cushioning element for a seat.

Applicant respectfully asserts that there is no motivation or suggestion to modify the base reference in the manner suggested by the examiner. The examiner's assertion is not supported by the references. Further, claim 11 recites that a fiber mat is attached to the rear side of the foam backing during the back foaming process. As discussed above, Burmester does not disclose any type of back foaming process, thus there is no teaching of a fiber mat being attached to the foam backing during back foaming.

Claims 7-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester and/or Volland in view of Pelzer et al. (US 6010870). For the reasons set forth above neither Burmester nor Volland disclose, suggest, or teach the claimed invention. Pelzer does not make up for the deficiencies of Burmester or Volland.

Claims 4-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester and/or Volland in view of Marcovecchio (US 2002/0176980). For the reasons set forth above neither Burmester nor Volland disclose, suggest, or teach the claimed invention. Marcovecchio does not make up for the deficiencies of Burmester or Volland.

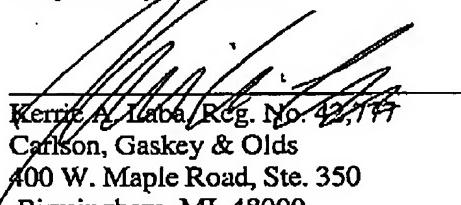
Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester and/or Volland in view of O'Brien (WO 01/26932). For the reasons set forth above neither Burmester nor Volland disclose, suggest, or teach the claimed invention. O'Brien does not make up for the deficiencies of Burmester or Volland.

Further, claim 22 recites at least one spacer having an open cellular structure capable of being infiltrated by a liquid plastic wherein the at least one spacer is attached to the foam backing during the back foaming process. O'Brien discloses only the use of fiber glass mats and

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does not disclose a spacer having an open cellular structure as claimed, and which is capable of being infiltrated by liquid plastic during a back foaming process.

Applicant asserts that all claims are in condition for allowance and requests an indication of such. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

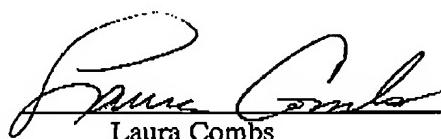
Respectfully submitted,

  
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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on 10-27-05.

  
Laura Combs